

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

ZWIA MERL,

Plaintiff,

- against -

PEDRAM BRAL, PEDRAM BRAL MD,  
BORO PARK OBSTETRICS AND  
GYNECOLOGY, P.C., and THE UNITED  
STATES OF AMERICA,

Defendants.

-----X

Civil Action No.

\_\_\_\_\_  
(\_\_\_\_\_, J.)

(\_\_\_\_\_, M.J.)

**NOTICE OF FILING OF  
NOTICE OF REMOVAL**

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that an action pending in the Supreme Court of the State of  
New York, County of Kings, has been removed to the United States District Court for the  
Eastern District of New York.

JACQUELINE M. KASULIS, Acting United States Attorney for the Eastern District  
of New York, by SHANA C. PRIORE, Assistant United States Attorney, of counsel,  
respectfully states the following facts upon information and belief:

1. The above-captioned action was commenced in the Supreme Court of the State of New  
York, County of Kings, Index No. 507898/202, and names as defendants PEDRAM  
BRAL, PEDRAM BRAL MD, and BORO PARK OBSTETRICS AND  
GYNECOLOGY, P.C. *See* Summons and Verified Complaint, dated May 26, 2020,  
and annexed hereto as Exhibit A.

2. On or about October 16, 2020, defendants PEDRAM BRAL, PEDRAM BRAL MD, and BORO PARK OBSTETRICS AND GYNECOLOGY, P.C. filed an Answer in the Supreme Court of the State of New York. *See Answer*, annexed hereto as Exhibit B.
3. This action alleges medical malpractice on the part of all defendants. Specifically, the complaint alleges that from July 8, 2016 through January 24, 2019, defendants were negligent in the administration of proper medical care. *See generally* Exhibit A, Complaint.
4. From September 22, 2016 through December 31, 2018, Ezra Medical Center was a federally supported health center and deemed by the Department of Health and Human Services, pursuant to the Federally Supported Health Centers Assistance Act, 42 U.S.C. § 233(g)-(n) (“FSHCAA”), eligible for coverage under the Federal Tort Claims Act. *See* Certification of Scope of Employment and Notice of Substitution of the United States of America by Assistant U.S. Attorney Shana C. Priore, dated June 22, 2021, attached hereto as Exhibit C.
5. From September 22, 2016 through December 31, 2018, defendant PEDRAM BRAL and/or PEDRAM BRAL, M.D. (“Dr. Bral”), as an employee of Ezra Medical Center, was deemed, pursuant to 42 U.S.C. § 233(g)-(h), eligible for coverage under the Federal Tort Claims Act.
6. Pursuant to 42 U.S.C. § 233(c), this action may be removed to this Court because the Complaint purports to assert claims against the United States of America, by way of defendant Dr. Bral, for Dr. Bral’s actions while employed by Ezra Medical Center, between September 22, 2016 through December 31, 2018, and purports to raise matters under federal law.

7. Pursuant to 42 U.S.C. § 233(c), 28 C.F.R. § 15.4, and the Certification of Scope of Employment, the United States of America is substituted as the party defendant for Dr. Bral, only as to Dr. Bral's actions taken between September 22, 2016 through December 31, 2018, while an employee of Ezra Medical Center. See Ex. C.
8. Pursuant to 28 U.S.C. § 2408 and 42 U.S.C. § 233(c), the United States of America may remove this action without a bond.
9. In accordance with 28 U.S.C. § 1446(d), the filing of a copy of this Notice with the Clerk of the Court, Supreme Court of the State of New York, County of Kings, shall affect the removal and the local court shall proceed no further with respect to this action, unless and until the case is remanded.

WHEREFORE, it is respectfully requested that the above-captioned action that is pending in the Supreme Court for the State of New York, County of Kings, be removed to this Court.

Dated: Brooklyn, New York  
June 29, 2021

JACQUELYN M. KASULIS  
Acting United States Attorney  
Eastern District of New York  
271-A Cadman Plaza East  
Brooklyn, New York 11201

By: /s/ Shana C. Priore  
SHANA C. PRIORE  
Assistant United States Attorney  
(718)254-6008  
shana.c.priore@usdoj.gov

cc: Clerk of Court (by First Class Mail)  
Supreme Court of the State of New York  
County of Kings  
360 Adams Street  
Brooklyn, New York 11201

Karen Ryan, Esq. (by email)  
Schiavetti Corgan DiEdwards Weinberg & Nicholson LLP  
575 Eighth Avenue  
New York, New York 10018  
kryan@schiavettilaw.com

Marijo Adimey, Esq. (by email)  
Gair Gair Conasan  
80 Pine Street  
New York, New York 10005  
madimey@gairgair.com